IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

Date of Decision: December 14,2006

Suresh Chander Nayak ..Petitioner

Versus

State of Punjab and others ..Respondents

CORAM: **HON'BLE MR. JUSTICE VINEY MITTAL**
**HON'BLE MR. JUSTICE H.S.BHALLA**

Present:- Mr. Sachin Kapoor, Advocate
for the petitioner.

Mr. R.S.Khosla, Advocate
for respondent Nos. 2 and 3.

**VINEY MITTAL, J. (ORAL)**

The petitioner has approached this Court challenging the order dated November 22,1996 (Annexure P-6), whereby the allotment in favour of the father of the petitioner had been cancelled.

At the outset, learned counsel appearing for the petitioner says that the claim of the petitioner is covered by the judgment of the Apex Court in **Harsh Dhingra Vs. State of Haryana and others,** JT 2001 (8) S.C.2961. According to the learned counsel, in **Harsh Dhingra's case** (supra) a cut off date in Haryana cases had been fixed as April 23,199**6**, whereas in the Punjab cases, the cut off date would be July 17, 1996, that is the date on which an interim order was passed by the High Court.

Taking into consideration the various pleas raised by the petitioner in the present petition, but without commenting upon the merits thereof at all, we dispose of the present petition with a direction to the Additional Chief Administrator, PUDA, Mohali (exercising the powers of the Chief Administrator ) to re-examine the claim made by the petitioner and take such appropriate action, as may be required in accordance with law by passing a comprehensive and speaking order, within a period of four

months from the date a certified copy of the order is received. The petitioner shall also be entitled to be represented by a counsel during the course of hearing before the Additional Chief Administrator, PUDA, Mohali.

At this stage, learned counsel appearing for the respondents has informed the Court that on account of the constitution of the Greater Mohali Area Development Authority, the powers of the Additional Chief Administrator, PUDA, had been vested in the Additional Chief Administrator (GMADA), Mohali. If that be so, the matter shall be re-examined by the Additional Chief Administrator (GMADA), Mohali.

Parties through their learned counsel have been directed to appear before the Additional Chief Administrator (GMADA), Mohali on January 12,2007 at 10.00 A.M.

Till the matter is finally decided by the competent authority and for a period of two weeks thereafter, the plot in question shall not be re-allotted to any other person than the petitioner.

A copy of the order be given dasti on usual payment.

( VINEY MITTAL )
JUDGE

( H.S.BHALLA )
JUDGE

December 14,2006
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